

202993.2

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 7/2/09

-----X  
CARTIER INTERNATIONAL, N.V. and :  
CARTIER CREATION STUDIOS, S.A., :

Civil Action

Plaintiffs, :

No. 09-CV-2607 (BSJ)(AJP)

v. :

ALDO U.S. INC., ALDO GROUP, INC., :  
XYZ Corporations 1-20, :  
and John Does 1-10, :

Defendants. :

-----X

**CONSENT PERMANENT INJUNCTION  
AND ORDER OF DISMISSAL WITH PREJUDICE**

WHEREAS, plaintiffs Cartier International, N.V. and Cartier Creation Studios, S.A.  
(collectively referred to herein as "Cartier") and defendants Aldo U.S. Inc. and Aldo Group, Inc.  
(collectively referred to herein as "Aldo") are the parties to the above-captioned litigation; and

WHEREAS, such parties have entered into a Confidential Settlement Agreement on the  
record before Magistrate Judge Andrew J. Peck on June 29, 2009; and

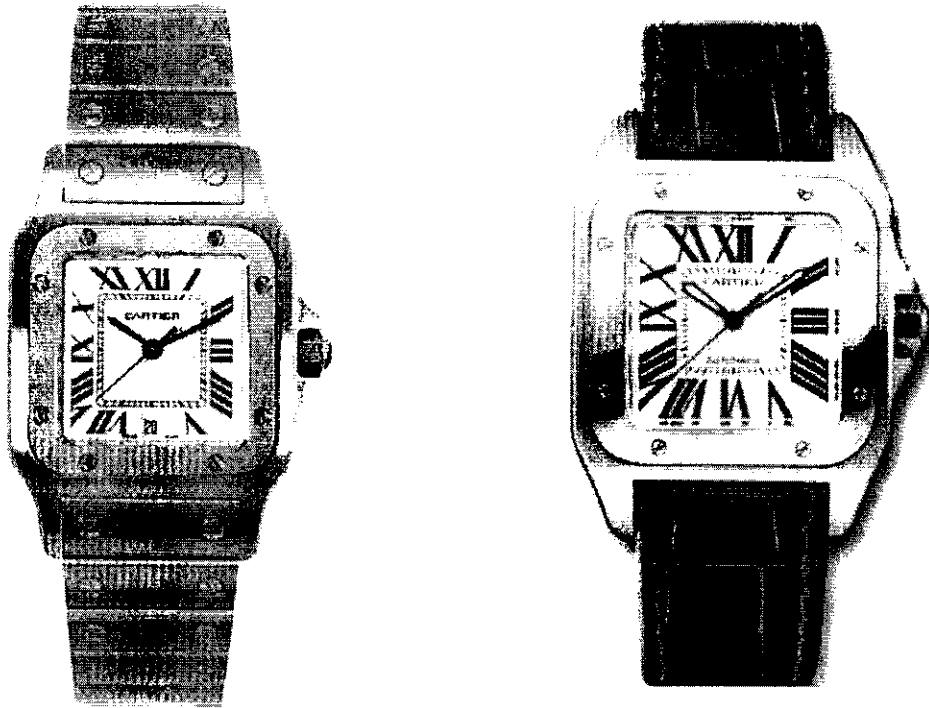
WHEREAS, such Confidential Settlement Agreement provided for, *inter alia*, the entry  
of a permanent injunction on consent without admitting or denying any of the claims or defenses  
asserted in the above-captioned litigation; it is ORDERED as follows:

1. Definitions

A. The "SANTOS Trade Dress" shall mean the combination of all or almost all of  
the following elements of a watch design:

- a. The watch face is square with rounded corners and surrounded by a square-shaped, unitary frame or bezel, having rounded corners, and featuring eight screw heads set around the bezel at 1, 2, 4, 5, 7, 8, 10 and 11 o'clock.
- b. The watch case around the bezel is a unitary square piece with extensions at the upper and lower ends extending past the horizontal portion thereof and narrowing in width and ending in a rounded end framing the end links in the bracelet chain or the end of the watch strap, as the case may be.
- c. The winding crown is a faceted octagon set with either a flat, faceted stone or a rounded cabochon surrounded by two triangular shaped protectors above and below it.
- d. The watch face features Art Deco-style Roman numerals. Each numeral inclines to conform to the angle-direction of the watch hands at such time as the hands are juxtaposed to that numeral.
- e. The watch face has a "chemin-de-fer" (railroad) chapter ring or minute guide located proximate to the numerals, with every fifth minute indication being thicker and bolder.
- f. On watches having a metal bracelet chain, the bracelet consists of connecting rectangular plates, the width thereof extends across the entire width of the bracelet and the plates have screw heads decorating both ends of each plate.

The SANTOS Trade Dress is further exemplified by the following pictures:



B. The "SANTOS Design Patents" shall reference United States Design Patents Nos. D508,421 and D560,514, copies of which are attached hereto.

2. Defendants Aldo U.S., Inc. and Aldo Group, Inc., their officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, are permanently enjoined and restrained:

- (a) from using in any manner the SANTOS Trade Dress alone or in combination with any other words or designs, in manner likely to cause confusion, deception, or mistake on or in connection with advertising, offering for sale or sale of any goods not manufactured by Cartier, or not authorized by Cartier to be sold in connection with Cartier's marks; and
- (b) from any infringement of the SANTOS Design Patents.

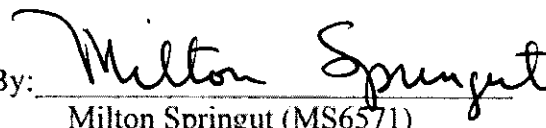
3. Except to the extent of the injunction hereinabove and the terms of the Confidential Settlement Agreement, the above-captioned action is hereby dismissed with prejudice and without costs or fees to any party.

4. In accordance with 28 U.S.C. § 636(c), the parties hereby consent to the exercise of jurisdiction by the Hon. Andrew J. Peck, Chief United States Magistrate Judge, for the signature and entry of the within CONSENT PERMANENT INJUNCTION AND ORDER OF DISMISSAL WITH PREJUDICE.

Dated: July 1, 2009


KALOW & SPRINGUT LLP  
488 Madison Avenue  
New York, New York 10022  
(212) 813-1600  
Fax: (212) 813-9600

*Attorneys for Plaintiffs  
Cartier International, N.V. and Cartier  
Creations Studios, S.A.*

By:   
Milton Springut (MS6571)  
Tal S. Benschar (TSB0838)

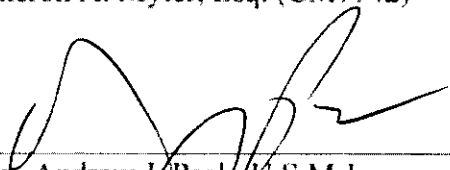
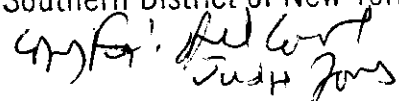
Dated: July 1, 2009

FRANKFURT, KURNIT, KLEIN & SELZ  
488 Madison Avenue  
New York, NY 10022  
Phone: (212) 980-0120  
*Attorneys for Defendants Aldo U.S., Inc. and  
Aldo Group, Inc.*

By:   
Edward Rosenthal, Esq. (ER8022)  
Cameron A. Myler, Esq. (CM7942)

IT IS SO ORDERED:

Dated: 7/2/09

  
Hon. Andrew J. Peck, U.S.M.J.  
HON. ANDREW J. PECK  
United States Magistrate Judge  
Southern District of New York  


**BY FAX**

US00D508421S

**(12) United States Design Patent**  
**Diltoer****(10) Patent No.: US D508,421 S****(45) Date of Patent: \*\* Aug. 16, 2005****(54) WATCH****(75) Inventor: Jacques Diltoer, La Garenne (FR)****(73) Assignee: Cartier International B.V., Amsterdam (NL)****(\*\*) Term: 14 Years****(21) Appl. No.: 29/211,185****(22) Filed: Aug. 12, 2004****(30) Foreign Application Priority Data**

Feb. 13, 2004 (EM) ..... 000134531-0005

**(51) LOC (8) Cl. .... 10-02****(52) U.S. Cl. .... D10/39****(58) Field of Search ..... D10/30-39; 368/280-282, 368/276-277, 285, 293-294****(56) References Cited****U.S. PATENT DOCUMENTS**

D251,056 S \* 2/1979 Perrin ..... D10/39  
 D262,949 S \* 2/1982 Perrin ..... D10/32  
 D267,549 S \* 1/1983 Kanoui ..... D10/39

D278,130 S \* 3/1985 Houlihan et al. .... D10/38

D422,514 S \* 4/2000 Diltoer et al. .... D10/39

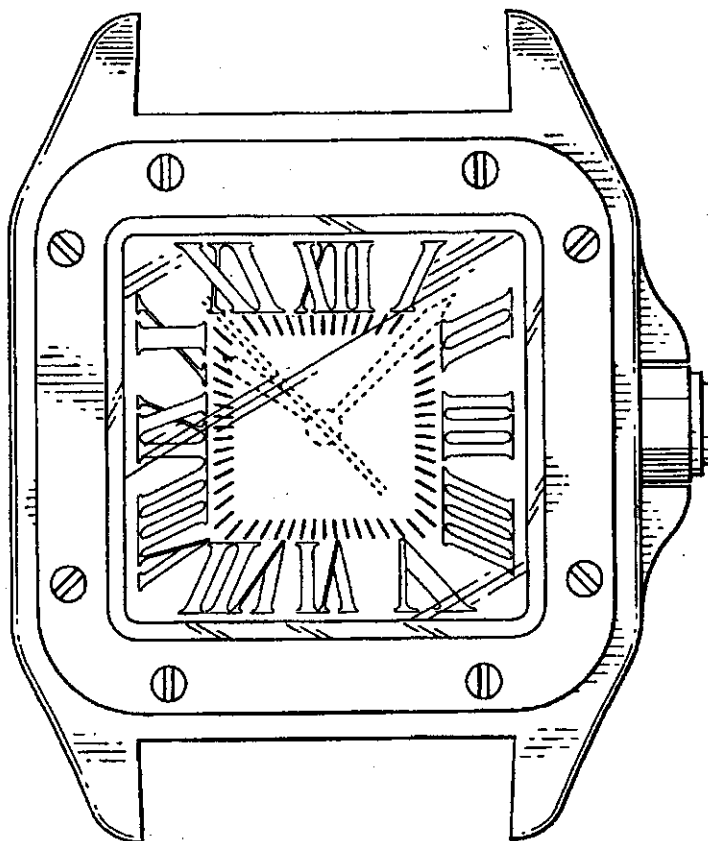
\* cited by examiner

*Primary Examiner*—Nelson C. Holtje*(74) Attorney, Agent, or Firm*—Kalow & Springut LLP**(57) CLAIM**

The ornamental design for a watch, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of a watch;  
 FIG. 2 is a front view thereof;  
 FIG. 3 is a rear view thereof;  
 FIG. 4 is a right-side view thereof;  
 FIG. 5 is a left-side view thereof;  
 FIG. 6 is a top view;  
 FIG. 7 is a bottom view thereof;  
 FIG. 8 is a perspective view of another embodiment of a watch; and,  
 FIG. 9 is a front view thereof, the rear, right-side, left-side, top and bottom views thereof being the same as FIGS. 3-7.  
 The broken lines are for illustrative purposes only and form no part of the claimed design.

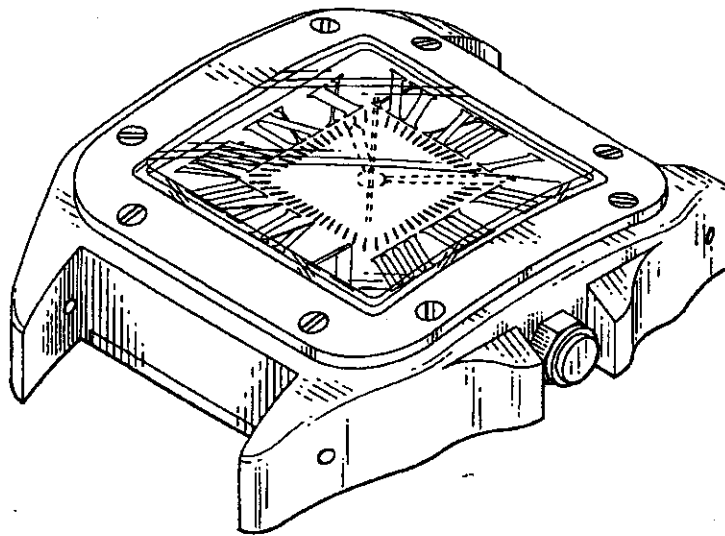
**1 Claim, 4 Drawing Sheets**

**U.S. Patent**

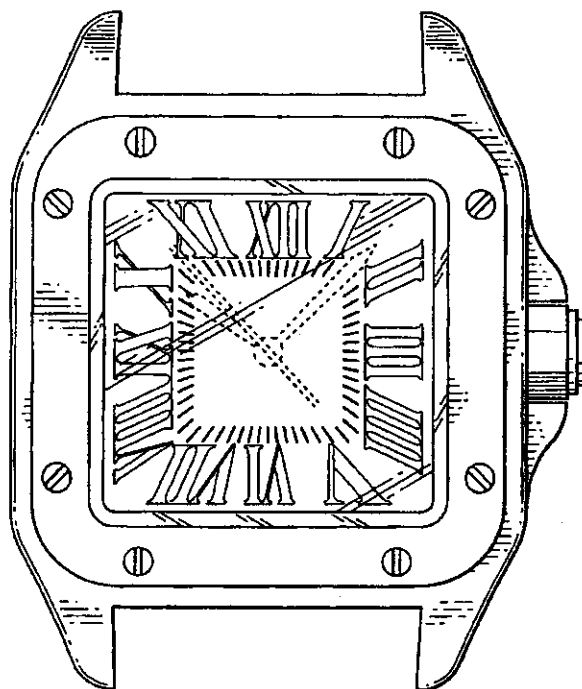
**Aug. 16, 2005**

**Sheet 1 of 4**

**US D508,421 S**



**Fig. 1**



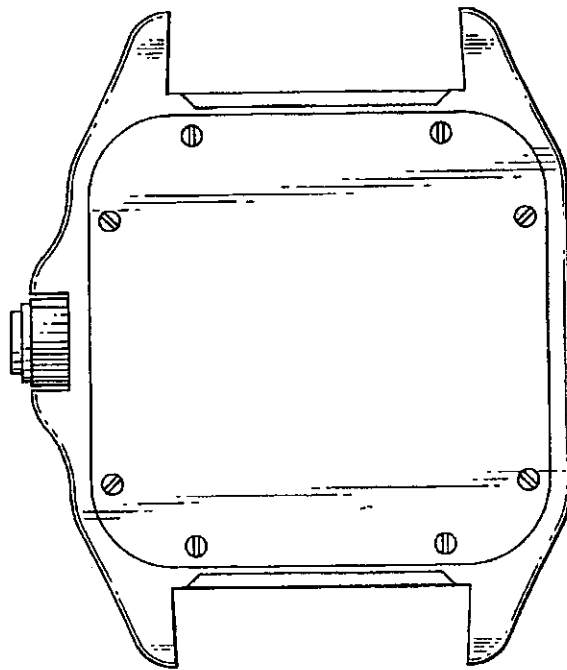
**Fig. 2**

**U.S. Patent**

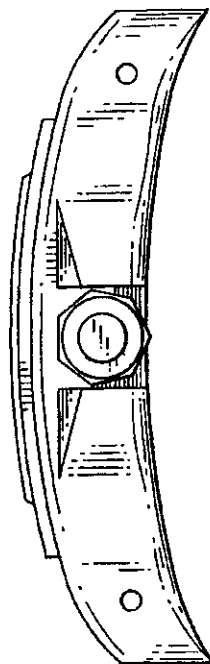
**Aug. 16, 2005**

**Sheet 2 of 4**

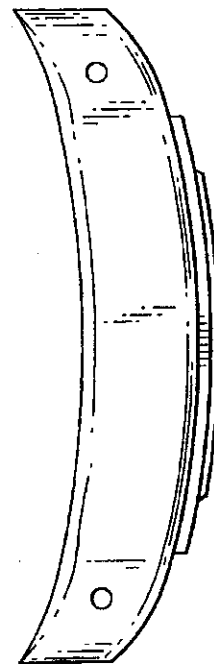
**US D508,421 S**



**Fig. 3**



**Fig. 4**



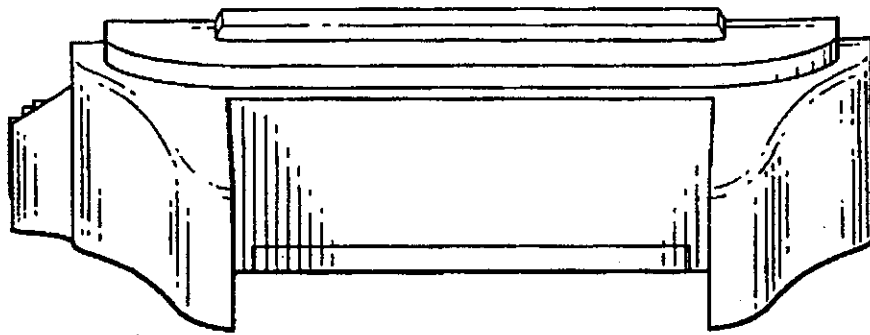
**Fig. 5**

**U.S. Patent**

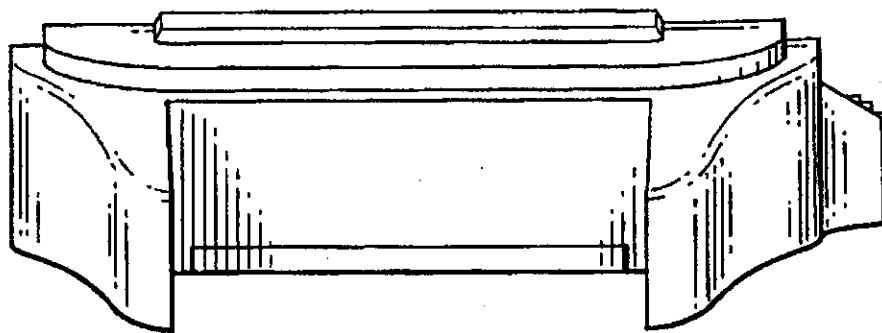
**Aug. 16, 2005**

**Sheet 3 of 4**

**US D508,421 S**



**Fig. 6**



**Fig. 7**

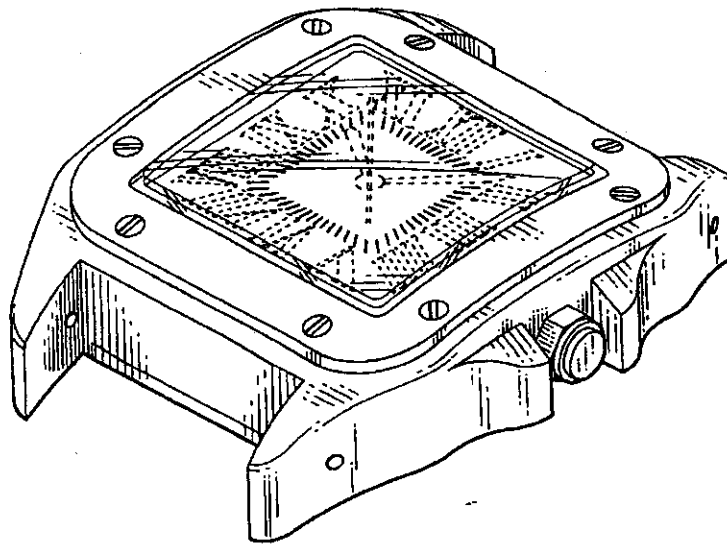


**U.S. Patent**

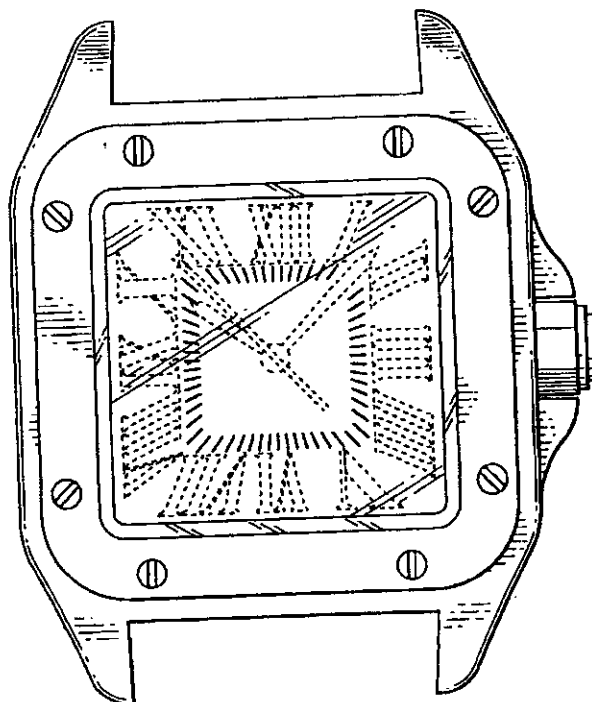
**Aug. 16, 2005**

**Sheet 4 of 4**

**US D508,421 S**



**Fig. 8**



**Fig. 9**

US00D560514S

(12) **United States Design Patent** (10) **Patent No.:** **US D560,514 S**  
**Arlanda** (45) **Date of Patent:** **\*\* Jan. 29, 2008**

(54) **WATCH**

(75) **Inventor:** **Severine Arlanda, Saint Mande (FR)**

(73) **Assignee:** **Cartier Creation Studio SA, Geneva (CH)**

(\*\*) **Term:** **14 Years**

(21) **Appl. No.:** **29/271,990**

(22) **Filed:** **Jan. 31, 2007**

#### **Related U.S. Application Data**

(62) **Division of application No. 29/211,184, filed on Aug. 12, 2004, now Pat. No. Des. 546,712.**

#### **Foreign Application Priority Data**

Feb. 13, 2004 (EM) ..... 000134531-007

(51) **LOC (8) Cl.** ..... **10-02**

(52) **U.S. Cl.** ..... **D10/39**

(58) **Field of Classification Search** ..... **D10/30-39,**  
**D10/122-129; 368/80, 223, 228-229, 232,**  
**368/276, 280-283, 285, 28-30, 21**  
**See application file for complete search history.**

(56) **References Cited**

#### **U.S. PATENT DOCUMENTS**

D251,056 S	2/1979	Perrin	
D259,186 S	5/1981	Perrin	
D262,949 S *	2/1982	Perrin	D10/32
D265,980 S	8/1982	Kanoui	
D267,478 S	1/1983	Kanoui	
D267,549 S *	1/1983	Kanoui	D10/39
D269,414 S *	6/1983	Sugano	D10/18
D278,130 S	3/1985	Houlihan et al.	
D280,885 S	10/1985	Perrin	
D288,066 S	2/1987	Kanoui	
D309,864 S *	8/1990	Woomer	D10/39

D388,332 S *	12/1997	Perrin et al.	D10/32
D393,598 S *	4/1998	Perrin et al.	D10/39
D412,288 S	7/1999	Perrin et al.	
D413,526 S	9/1999	Perrin et al.	
D420,599 S	2/2000	Perrin et al.	
D422,514 S	4/2000	Diltoer et al.	
D506,935 S *	7/2005	Dreyfuss	D10/32
D508,211 S *	8/2005	Dreyfuss	D10/32
D514,457 S *	2/2006	Diltoer	D10/39

#### **OTHER PUBLICATIONS**

U.S. Appl. No. 29/211,185, filed Aug. 12, 2004, Diltoer.  
 U.S. Appl. No. 29/211,182, filed Aug. 12, 2004, Campos.  
 Cartier 2000 Catalog pages 33, 52, 60, 67.  
 Le Temps De Cartier, 1<sup>st</sup> Edition, Oct. 1999, pp. 51, 52, 53, 122, 123, 163, 289 and 317.

\* cited by examiner

*Primary Examiner*—Janice E. Seeger

*Assistant Examiner*—Zenita I. Bennett

(74) *Attorney, Agent, or Firm*—Oliff & Berridge, PLC

(57) **CLAIM**

The ornamental design for a watch, as shown and described.

#### **DESCRIPTION**

FIG. 1 is a perspective view of a watch;

FIG. 2 is a front view thereof;

FIG. 3 is a rear view thereof;

FIG. 4 is a right-side view thereof;

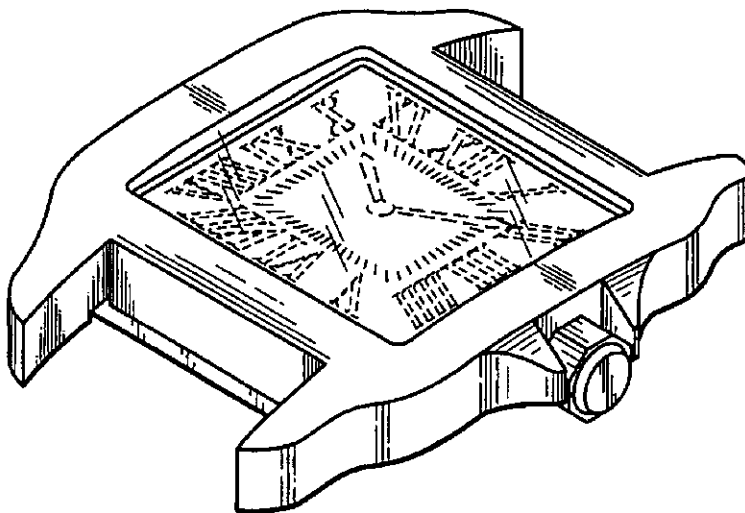
FIG. 5 is a left-side view thereof;

FIG. 6 is a top view; and,

FIG. 7 is a bottom view thereof.

The broken lines are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**

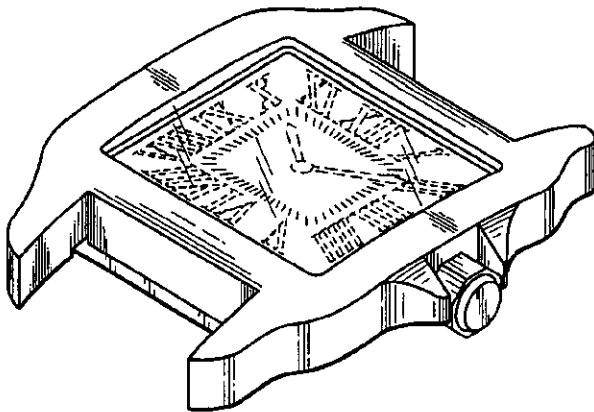


**U.S. Patent**

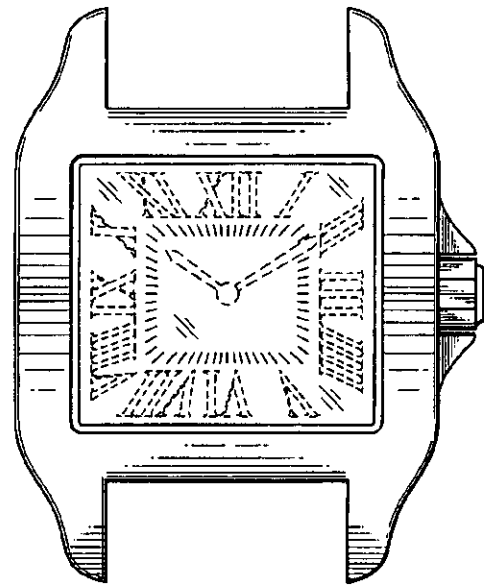
**Jan. 29, 2008**

**Sheet 1 of 2**

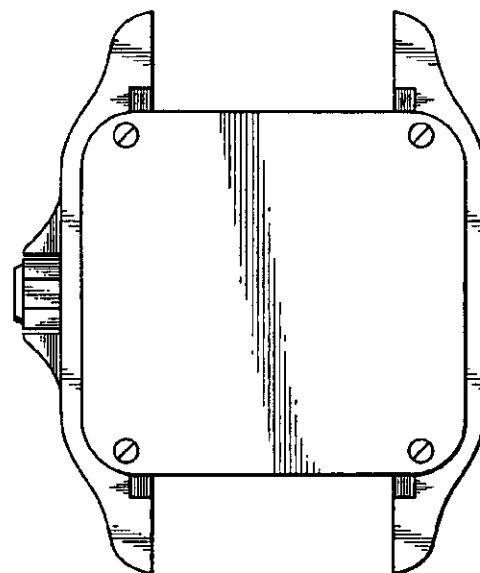
**US D560,514 S**



**FIG. 1**



**FIG. 2**



**FIG. 3**

**U.S. Patent**

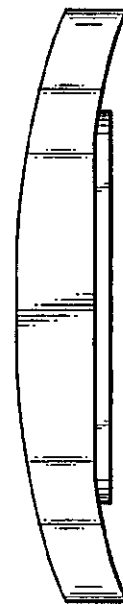
**Jan. 29, 2008**

**Sheet 2 of 2**

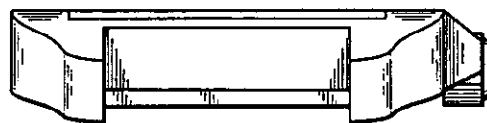
**US D560,514 S**



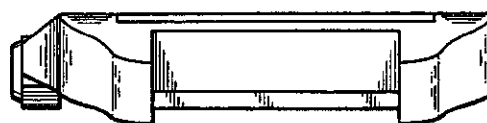
**FIG. 4**



**FIG. 5**



**FIG. 6**



**FIG. 7**